



COM Briefing Paper

Title: Dangerous Dogs

Report Author: Chief Inspector James Farrar

COT Sponsor: ACC Rob McCoubrey

Date: 4th October 2024

Summary

This purpose of this report is to provide a briefing in regard to Dangerous Dog incidents across West Yorkshire and details the current position along with emerging issues and anticipated challenges throughout 2024 and beyond.

It will cover:

- Dangerous Dog Data
- WYP processes / responsibilities
- Kennelling

ACC Rob McCoubrey is the Chief Officer Team lead for Dangerous Dogs, with Chief Inspector James Farrar being the head of the unit.

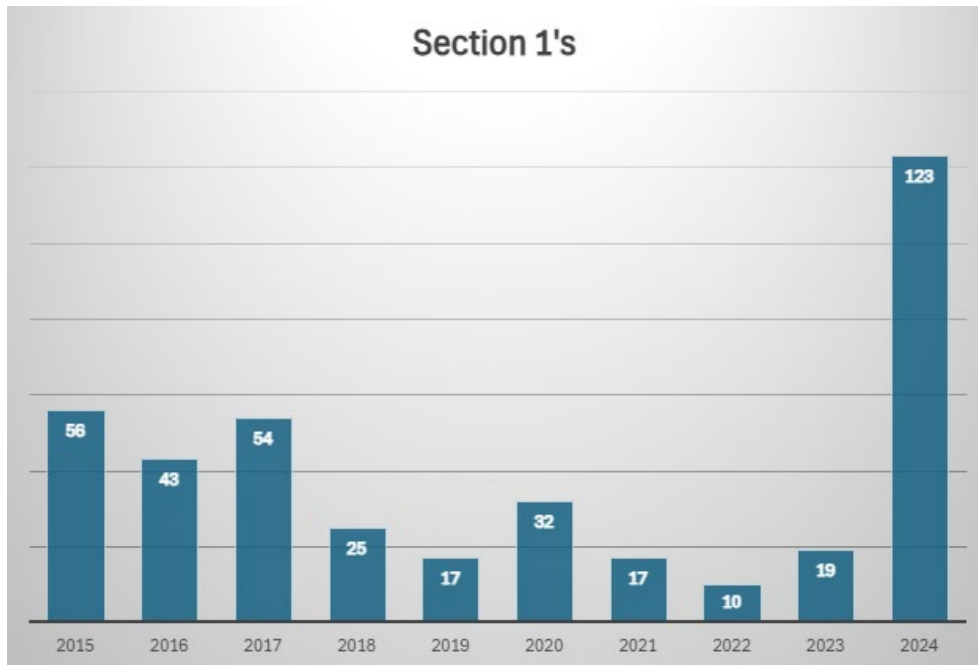
The West Yorkshire Police Dangerous Dogs policy has been revised due to the recent introduction of the XL Bully type dog onto the banned list, which now includes: -

- Pit Bull Terrier
- Dogo Argentino
- Japanese Tosa
- Fila Brasileiro
- XL Bully

Dangerous Dog Data

Section 1 Dangerous Dogs Act 1991 prohibits the ownership of certain types of dogs, unless they are exempted on the Index of Exempt Dogs and is intended to have a preventative effect. Prosecutions can be brought before a Court based on just the physical characteristics of the dog.

Fig. 1 - Section 1 offences



Section 3 Dangerous Dogs Act 1991 creates a criminal offence of allowing any dog (i.e. of any breed or type) to be dangerously out of control in a public place or a place to where it is not allowed. A dog can be regarded as being dangerously out of control on any occasion where it causes fear or apprehension to a person that it may injure them. Furthermore, if that dog does injure a person then the offence is aggravated. Legal action may be taken against the owner and/or the person in charge of the dog at the time. This section should only be used in the most serious incidents investigated by enforcers, and generally it would be the police that would instigate proceedings under this section, however local authorities are able to act under this legislation also.

Fig. 2 - Section 3 offences

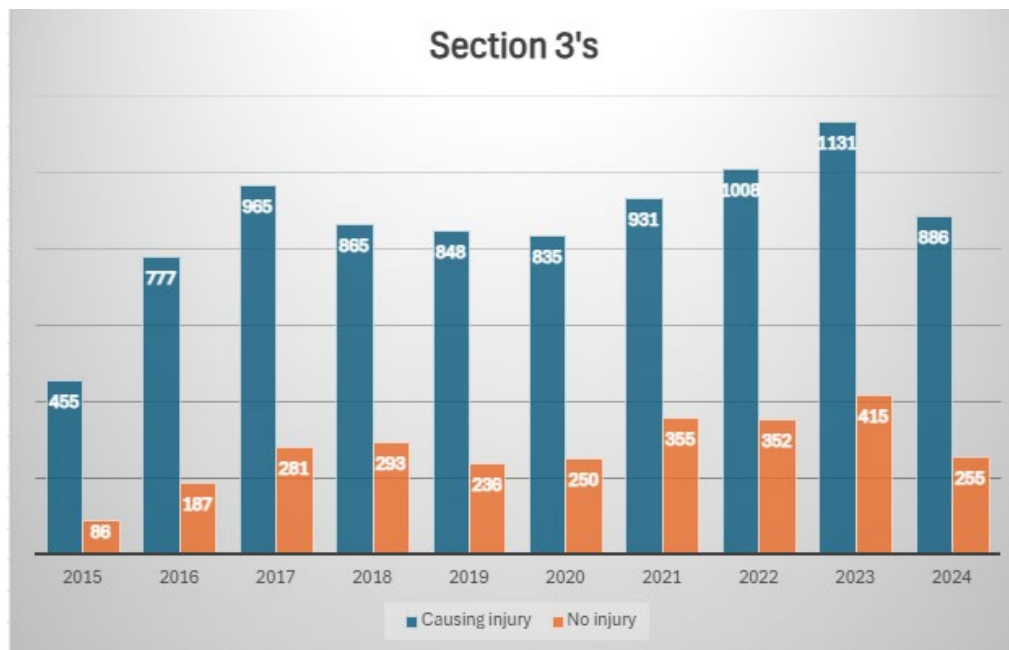


Fig. 3 – Dogs seized by West Yorkshire Police

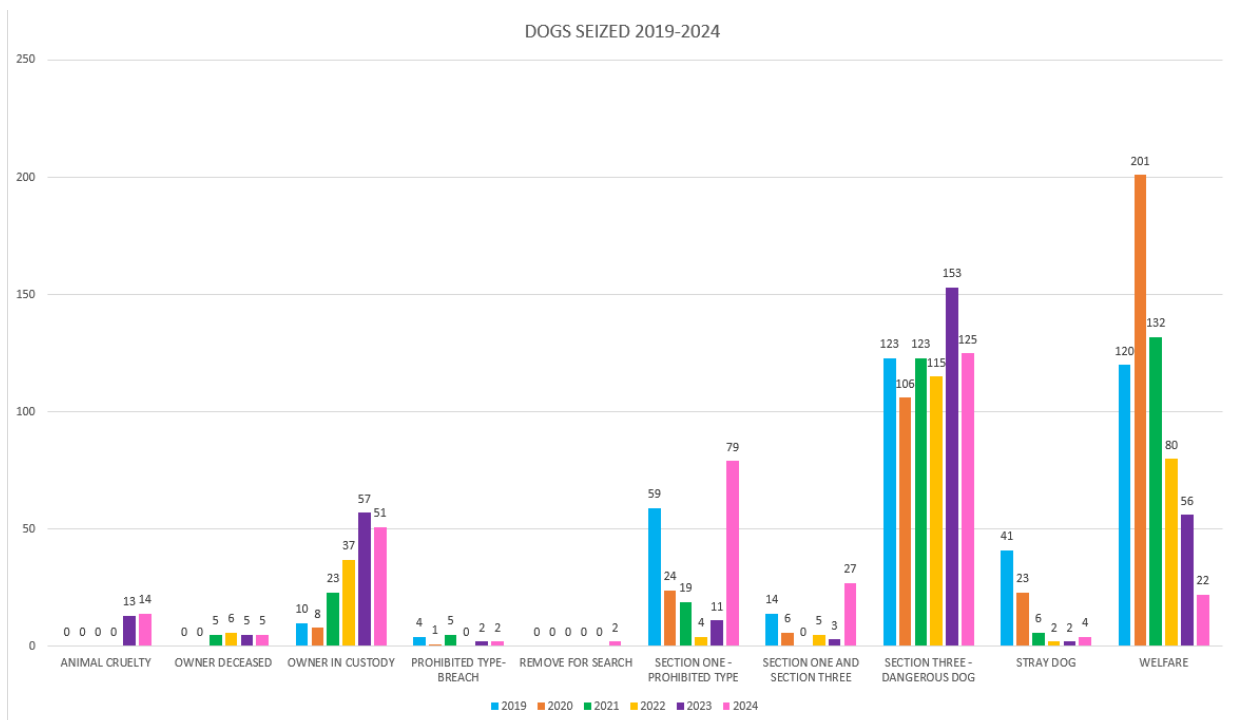
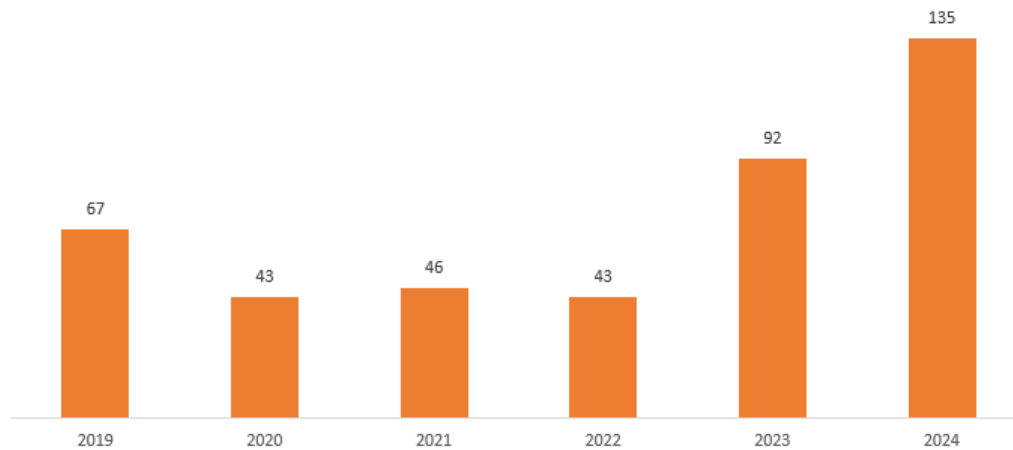


Fig. 4 – Dogs humanely euthanised by West Yorkshire Police

NUMBER OF DOGS PTS (2019-2024)

**Fig. 5 - Registered National Section 1 Dog Population – September 2024**

Police Force	XL Bully	Pit Bull Terrier	Japanese Tosa	Dogo Argentino	Grand Total
Avon and Somerset Constabulary	1278	156			1434
Bedfordshire Police	777	30			807
Cambridgeshire Constabulary	804	15	1		820
Cheshire Constabulary	1403	37			1440
City of London Police	1				1
Cleveland Police	605	75			680
Cumbria Constabulary	403	12			415
Derbyshire Constabulary	1462	21			1483
Devon and Cornwall Police	1242	107		1	1350
Dorset Police	494	17			511
Durham Constabulary	577	7			584
Dyfed-Powys Police	353	13			366
Essex Police	2215	44			2259
Gloucestershire Constabulary	483	17			500

		OFFICIAL			
Greater Manchester Police	3373	161		1	3535
Gwent Police	787	13	1	1	802
Hampshire Constabulary	1618	17			1635
Hertfordshire Constabulary	1017	67			1084
Humberside Police	1002	84			1086
Kent Police	2010	26		1	2037
Lancashire Constabulary	1904	132			2036
Leicestershire Police	1160	40	1		1201
Lincolnshire Police	639	9			648
Merseyside Police	3073	165		2	3240
Metropolitan Police Service	5854	700	1	2	6557
Norfolk Constabulary	713	4			717
North Wales Police	809	6			815
North Yorkshire Police	365	11			376
Northamptonshire Police	921	14			935
Northumbria Police	1368	18			1386
Nottinghamshire Police	1451	37			1488
South Wales Police	1057	104			1161
South Yorkshire Police	2269	70			2339
Staffordshire Police	1423	19			1442
Suffolk Constabulary	461	10			471
Surrey Police	753	15			768
Sussex Police	1287	11			1298
Thames Valley Police	1625	43		10	1678
Warwickshire Police	787	33			820
West Mercia Police	1137	60			1197
West Midlands Police	4226	144		1	4371
West Yorkshire Police	1919	144		1	2064

Wiltshire Police	499	OFFICIAL 27			526
Grand Total	57604	2735	4	20	60363

West Yorkshire Police - Processes / Responsibilities










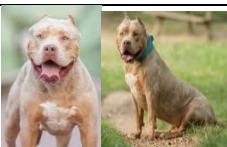
The police hold the responsibility for attending and dealing with incidents whereby a dog has been, or is currently, dangerously out of control. They are also responsible for attending and dealing with prohibited type dogs reported.

The offences that cover these are covered within the Dangerous Dogs Act 1991:-

- Section 1 – possess / have custody of a fighting dog (one of the 5 banned types)
- Section 3 – Owner / person in charge of dog dangerously out of control
 - o Causing injury/death/injury to assistance dog, or
 - o Causing no injury (this includes when nobody has been injured but they have feared apprehension)

Section 1 offences

As above, it is an offence to own/possess one of the 5 prohibited types:-

Pit Bull Terrier	Japanese Tosa	Fila Brasileiro	Dogo Argentino	XL Bully
				
				

The police are responsible for attending, seizing and then examining these dogs to prove they are in fact a banned type. A Dog Legislation Officer (DLO) is responsible for attending kennels and examining these as they are trained to assess them. If confirmed as one of the 5 types, then WYP would investigate the offence and there are 2 options available:-

- The owner is taken to civil court under section 4(b) (Dangerous Dogs Act 1991)
- The owner is taken to criminal court under section 1 (Dangerous Dogs Act 1991)

Regardless of which option is taken, the courts have the same options whereby they can either issue a destruction order or a contingent destruction order (as described above). If a CDO is issued the owner has to comply with all the conditions and they have to register it with DEFRA (chart 5 above shows the amount of dogs registered Nationally).

On the 1st February 2024, XL Bully type dogs were added to the list of banned types. This created a significant rise in demand and has had a significant impact on policing demand nationally, in particular with the kennelling capacity. Since this date WYP have been made aware of a large amount of suspected XL Bully's which are not exempt. Since then 94 have been seized. 53 have been humanely euthanised due to either being disclaimed by the owner or a court destruction order. There is still high demand and WYP continue to work through the outstanding dogs in order to process these. Each individual report is risk assessed in order to prioritise all reports.

Prior to 2024, WYP had 1 full time Dog Legislation Officer and a Police Sergeant who was also a DLO. WYP have since recruited and trained 3 more DLO's who work within the local Districts and 3 more officer's are to be trained as DLOs in November 2024. This will provide increased capacity to process outstanding demand.

Section 3 offences

These offences can take place both in public and private. As such, the police often get reports whereby the persons own dog has injured them or a family member and this is covered by the legislation. More commonly the reports involve a dog attacking someone having got loose from their house/garden or attacking someone when out for a walk. The injury can range from a small scratch caused by the dogs claw or a very serious injury caused by the dog biting, up to a fatal injury. Nationally there have been a number of fatalities resulting from XL Bully attacks over recent years.

Upon attendance at an incident, the police responsibility is to care for the victim and then complete a criminal investigation. Part of the criminal investigation may include the need to seize the dog involved to allow for a behavioural assessment. The requirement to seize is dealt with on a case by case basis and officers should consider the need to safeguard the public and whether it is necessary for evidential reasons. If the dog is seized by officers, it is then collected by the kennel team and it is kept at the secure kennels (see below). The dog is then kept for the duration of the police investigation, up to the conclusion of any court proceedings.

At the point of seizure the owners are given the option to disclaim the dog. If in agreement, the owner signs a disclaimer form handing over ownership of the dog to West Yorkshire Police. Unless there were exceptional circumstances this would then mean that the dog would be humanely euthanised as it is not possible to rehome a dog if it has a known history of causing injury.

If the owner does not disclaim the dog, it will be kept at the kennels. If the police prosecute the owner and the owner is found guilty / pleads guilty, the court then has the option to either issue a destruction order for the dog or a contingent destruction order (CDO). A CDO means the dog is returned to the owner, but they have to comply with certain conditions e.g. ensure the dog is always muzzled/on a lead when in public and kept in a secure garden.

The police also have the option to issue out of court disposals e.g. conditional caution or community resolutions, for lower-level incidents. These can be completed either when a dog hasn't been seized or if a dog has been seized they can be completed and the dog would be returned.

OFFICIAL

Police officers receive training on attending these incidents and how to investigate them. Some also receive basic training on how to best control dogs in these situations. However, all incidents like this require dynamic risk assessments on how best to control a dog in these situations.

The figures above highlight the increasing demand for these incidents, this is largely attributed to the increasing number of dogs in the UK over the last few years and the lack of responsible ownership. West Yorkshire Police attend the “Responsible Dog Ownership Working Group” which is led by DEFRA. This group hold regular national meetings and the stakeholders include representatives from DEFRA, Dogs Trust, local authorities, police and Animal Welfare groups. The group is aiming to tackle the issue of dangerous dog incidents by targeting things such as better education for dog owners / children and better strategies to address offending.

Other strategies

WYP regularly hold meetings with local authorities/dog wardens and the RSPCA in order to discuss better working strategies between these partnerships.

Dog wardens hold the responsibility for dealing with low level dog incidents e.g. dogs getting loose from addresses or low-level dog v dog attacks. However, once a Section 3 offence has taken place e.g. injury to a person or a person in fear of injury then the responsibility to investigate sits with police.

Dog wardens hold the responsibility for recovering and kennelling any stray/abandoned dog.

RSPCA are a key organisation in dealing with animal welfare / cruelty. The police also have powers to deal with these.

Kennelling

The police have an obligation to be able to seize and kennel dogs. The majority of these will be seized due to one of the above offences but we may also have to recover dogs for welfare reasons e.g. when we attend at sudden deaths and a dog is present and there is no next of kin / friend / family to take the dog or when we arrest someone, and they have a dog that we cannot leave unattended for a long period. All of these places additional demand on the already limited kennel space WYP have.

WYP have a kennelling facility which can currently house 89 dogs. It is the responsibility of WYP to ensure those dogs are looked after and the five animal welfare needs are maintained.

In May 2023 we had around 30 dogs in the kennels, however following the legislative changes and the XL Bully being added to the list of prohibited dog types in February 2024 our kennels are now operating at full capacity. A snapshot and breakdown of current demand is:

Animal Cruelty/welfare investigations – 9

Owner in custody – 2

Section 1 dogs – 42

Section 3 dogs – 26

Section 1 and Section 3 dogs – 5

Dogs Leaving Kennels

Dogs seized due to section 1 or 3 offences will remain at kennels until a court determines whether they can be returned or humanely euthanised, or if the owner themselves disclaims the dog. This is the same for animal welfare/cruelty investigations.

When dogs are recovered due to the owner being taken into custody and there is nobody else to look after the dog, the owner is served a 7-day notice which informs they must find alternative care for the dog, otherwise ownership would be passed to WYP and we would complete an assessment to see if the dog was suitable for rehoming.

Where a dog has been recovered due to the owner being deceased, all efforts are made to pass the responsibility of the dog to the next of kin. If nobody is available/willing to take the dog then, again, WYP would complete an assessment to determine suitability for rehoming.